

29.04.2024
Court No.01
Item No. 35

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

ar

CRM (DB) 202 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Falakata Police Station Case No. 567 of 2019 dated 08.10.2019 under Sections 376(AB)/302/34 of the Indian Penal Code read with Section 6 of POCSO Act, 2012.

And

In Re: **Amin Ali**

Petitioner

Ms. Esha Acharya
Mr. Soumyadeep Ghosh

For the petitioner

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Subhasish Misra

For the State

1. Affidavit of service filed in Court is taken on record.
2. Heard the learned counsel appearing for the parties.
3. It is submitted on behalf of the petitioner that considering the long detention of the petitioner (4 years 6 months 7 days) in the custody, the instant bail application may be considered in favour of the petitioner.
4. Learned counsel for the State opposes the prayer for bail.
5. Learned counsel for the State practically admits that out of 27 charge-sheeted witnesses only one witness has been examined on 10th January, 2024.
6. From the materials available in the case diary, we find sufficient incriminating materials in the case diary, we are thus not inclined to exercise our discretion under Section 439 Cr.P.C in favour of the present petitioner. However, considering the long pendency of the trial

and long incarceration of the present petitioner we direct the learned Trial Court to conclude the trial within one year from the next date fixed by invoking Section 309 Cr.P.C.

7. In the event the progress of the trial is not satisfactory and the material witnesses are not examined within the aforesaid period and the delay is not attributable to the petitioner, it is open to the petitioner to renew the prayer for bail.
8. Accordingly, the prayer for bail of the petitioner stands rejected.
9. CRM (DB) 202 of 2024 is accordingly, disposed of.
10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J)

(Partha Sarathi Sen, J)